

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PIERRE RAHSAAN TAYLOR,

Plaintiff,

vs.

ADOLFO TORNICHIO, et al.,

Defendants.

:

: Case No. 3:22cv56

: JUDGE WALTER H. RICE

:

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE (DOC. #11) AND
OVERRULING DEFENDANT'S OBJECTIONS THERETO (DOC. #16);
JUDGMENT TO ENTER IN FAVOR OF DEFENDANTS AND AGAINST
PLAINTIFF HEREIN; DEFENDANT DENIED A CERTIFICATE OF
APPEALABILITY AND PERMISSION TO APPEAL *IN FORMA PAUPERIS*;
TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth by United States Magistrate Judge, Karen L. Litkovitz, in her Report and Recommendation of May 23, 2022 (Doc. #11), as well as upon a thorough *de novo* review of the filings in the captioned cause and of the applicable law, this Court ADOPTS said Report and Recommendation in its entirety and OVERRULES the Plaintiff's Objections to said Report and Recommendation in its entirety (Doc. #16).

Accordingly, judgment is ordered to be entered in favor of Defendants and against Plaintiff herein. The captioned cause is DISMISSED, with prejudice to a new action.

In ruling as above, this Court concludes that the following items, although they have been reviewed by the Court, are deemed to be moot and, therefore, will not be ruled upon: Doc. ##18, 20, 21 and 22.

Given that this Court's opinion rendered above, as well as the Report and Recommendation of the United States Magistrate Judge, would not be debatable among jurists of reason and that the Plaintiff has failed to make a substantial showing of the denial of a constitutional right, a Certificate of Appealability is not issued by the undersigned. Moreover, given that the law is clearly established, this Court declines to issue permission to appeal *in forma pauperis*. The objection of the Plaintiff, claiming that the Magistrate Judge has offered a chose in action for the Defendants in her Report and Recommendation, in defense for the Defendants, is blatantly erroneous. Accordingly, any appeal from this Court's opinion would be objectively frivolous.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

November 21, 2022


WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Pierre Rahsaan Taylor, *Pro Se*
Counsel of record
Magistrate Judge Karen L. Litkovitz